

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Johnny Martin HOOD,

Defendant.

'08 MJ 1251

FILED

Magistrate Case No. _____

08 APR 24 AM 9:52

COMPLAINT FOR VIOLATION OF

SOUTHERN DISTRICT OF CALIFORNIA

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without PresentationJMS
DEPUTY

The undersigned complainant being duly sworn states:

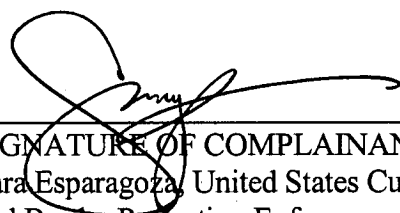
Count I

On or about **April 22, 2008**, within the Southern District of California, defendant **Johnny Martin HOOD**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Flor Elizabeth ESCALANTE-Colia, Graciela BURRISQUETA-Villagomez, Erica Diocelina HUAZANO-Abrego, and Mario ARROYO-Alejandro** have not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

Count II

On or about **April 17, 2008**, within the Southern District of California, defendant **Johnny Martin HOOD**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Mario ARROYO-Alejandro**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 Sara Esparagoza, United States Customs
 and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this 24th day of April, 2008


 UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complainant states that **Flor Elizabeth ESCALANTE-Colin, Graciela BURRISQUETA-Villagomez, Erica Diocelina HUAZANO-Abrego, and Mario ARROYO-Alejandro** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 22, 2008, at approximately 8:34 PM, **Johnny Martin HOOD (Defendant)**, applied for admission into the United States at the San Ysidro, California Port of Entry as the driver and sole visible occupant of a blue Chevy 1500. Defendant presented a counterfeit State of California driver license and claimed to be a United States Citizen. A Customs and Border Protection (CBP) Officer received a negative declaration from Defendant and upon conducting a cursory inspection of the vehicle, noticed several individuals attempting to elude inspection in the rear of the pickup. The CBP Officer reached for the driver's arm to handcuff him but the Defendant pulled away and fled out the passenger side door. The Defendant attempted to flee towards Mexico but CBP Officers were able to apprehend him. The vehicle was still left in drive by Defendant when he attempted to flee and it had to be stopped by a CBP Officer who was forced to run along side it, open the door, jump inside and stop the vehicle. The vehicle and its occupants were all escorted to secondary for further inspection.

In secondary, CBP Officers discovered five individuals attempting to elude inspection on the floor area of the rear seat of the cab and eight in the bed area of the pickup concealed under a blanket. All of the concealed individuals were determined to be citizens of Mexico without entitlements to enter or reside in the United States, four of which were retained as Material Witnesses and are now identified as: **Flor Elizabeth ESCALANTE-Colin, (MW1), Graciela BURRISQUETA-Villagomez (MW2), Erica Diocelina HUAZANO-Abrego (MW3), and Mario ARROYO-Alejandro (MW4).**

Automated system queries were conducted in secondary and it was established that the Defendant was apprehended at the San Ysidro Port of Entry attempting to smuggle undocumented aliens into the United States on four prior events. On April 17, 2008, the Defendant attempted to smuggle Mario ARROYO-Alejandro (MW4) for financial compensation.

On separate videotaped interviews, Material Witnesses admitted they are citizens of Mexico without legal documents to enter the United States. MW1, MW3 and MW4 stated they were to pay fees ranging from \$2,700.00 to \$3000.00 USD to be smuggled into the United States. MW2 stated she was unsure as to the amount of her smuggling fee. All four Material Witnesses stated that they were going to the United States to seek residency and employment.